

REMARKS

As an initial matter, the undersigned would like to thank Examiners Hoye and Miller for the courtesy of the telephone conference call held on October 24, 2003. Accompanying this paper is a paper entitled Interview Summary under 37 C.F.R. § 1.133, which summarizes the substance of the telephone conference call.

Claims 1-23 are pending and at issue in the above-referenced patent application. Of the claims at issue, claims 1, 11, and 16 are independent. In the Office action dated July 30, 2003, claim 11 was rejected as anticipated by Hawkins et al. (U.S. Patent No. 6,005,561), and claims 1-10, and 12-20 were rejected as obvious over one or more of Hawkins et al., Wood et al. (U.S. Patent Application Publication No. US 2002/0054752), Walters et al. (U.S. Patent No. 5,710,970), Gudesen (U.S. Patent No. 5,761,607), and Tsuria et al. (U.S. Patent No. 6,424,947). By way of this amendment, claims 1, 11, and 16 have been amended, and claims 21-23 have been added. The foregoing rejections are respectfully traversed and reconsideration is respectfully requested.

Independent claims 1, 11, and 16 specify, *inter alia*, methods to store program data including scheduled program data, program guide data, cache program data comprising broadcast programming, and a boot object having location information associated with the cache program data and requiring storage of the cache program data. No such structure is disclosed or suggested in the cited references.

As discussed in the telephone conference of October 24, 2003, the methods recited in the pending claims allow a broadcaster to designate a program to cache, and transmit cache program data at a rate slower than real time over a lengthy period of time prior to being available for viewing and without the viewer's prior request. As a result, the broadcaster maximizes its available bandwidth because the amount of bandwidth saved from the cache program data may be used for additional transmissions of other programming to generate

more revenue. For example, a broadcaster may opt to cache a program for later retrieval by viewers in a particular time zone such as the West coast when that same program is broadcast on the East coast. Accordingly, instead of using limited bandwidth to rebroadcast the same program on the West coast that was shown three hours earlier on the East coast, for example, the broadcaster may transmit the program data once, and cache the program data for viewers on the West coast, thereby saving the transmission bandwidth required to re-broadcast the program. Further, the broadcaster reduces disruption of normal transmission of program data by transmitting the cache program data at a slower transmission rate. Thus, the program may be available for viewing at an appropriate time and/or a convenient time to the viewer, and bandwidth may be saved for transmission of additional programs.

Briefly, as set forth in detail below, none of the cited references discloses or suggests the use of cache program data comprising broadcast programming and a boot object having location information associated with cache program data and requiring storage of the cache program data. Further, the cited references fail to disclose or suggest identifying where data for a cache program (e.g., video data and audio data of broadcast programming) is found for a receiver station and requiring the receiver station to store the cache program data. Because none of the cited references makes such a disclosure, no combination of these references, even if there were motivation for such a combination, can result in the claimed methods.

Turning to the cited references, Hawkins et al. generally suggests a cache memory, and a boot code to initiate a boot process to start an end-user terminal to resume services after a power outage where a number of users will simultaneously request services at the same time. *See* Hawkins et al., col. 12, lines 25-27, col. 12, lines 46-65, and col. 13, lines 65 and 66. However, Hawkins et al. fails to disclose or suggest the use of cache program data comprising broadcast programming. Further, the boot code of Hawkins et al. fails to identify, for example, a transponder frequency and service channel identification (SCID) numbers

where cache program data may be found, and to mandate storage of cache program data. Thus, the disclosed system of Hawkins et al. fails to transmit program data of broadcast programming once, to require storage of the program data of broadcast programming in a cache, and to cache the program data prior to the broadcast programming being available for viewing and without a viewer's prior request.

Wood et al. generally suggests storing video data for shows selected for recording based on criteria specified by a viewer, but Wood et al. fails to identify via a boot object, for example, a transponder frequency and service channel identification (SCID) numbers where data for a cache program is found much less that a boot object could or should be used to mandate the storage of cache program data. In practical effort, the Wood et al. system does not allow a broadcaster to designate a program to cache and inform the receiver station of the location of data corresponding to the designated cache program. In Wood et al., the selection of shows for recording is based on user specified-criteria. Wood et al. does not disclose storage of program data in the receiver station without a subscriber's prior request to do so. *See* para. [0037]. Accordingly, the Wood et al. system cannot provide the advantages associated with the disclosed system of the present application.

Walters et al. also fails to disclose or suggest the use of a boot object having location information associated with cache program data and requiring storage of the cache program data. In particular, Walters et al. fails to identify where data for a cache program is found by transmitting the boot object to a receiver station, which is required to store the cache program data. Rather, Walters et al. merely discloses a cyclic distribution of audio/video programs that uses a video identification (VID) that uniquely identifies a particular audio/video program. In the disclosed system of Walters et al., a broadcaster cannot choose to record a program into a cache of the receiver station without a prior request by a viewer.

Gudesen is directed to a system for local processing and accessing large volume of data and is cited to show transmitting data at a rate lower than a retrieval rate of the data and assessing a fee based on a record of selection of the data.

Tsuria et al. is directed to a subscriber unit for purchasing programs and is cited to show maintaining a record of selection in an access card.

Because none of the cited references discloses or suggests the use of cache program data comprising broadcast programming and a boot object having location information associated with cache program data and requiring storage of the cache program data, it follows that no combination of these references renders the pending claims obvious. Accordingly, the obviousness rejections based thereon should be withdrawn.

For these reasons, it is respectfully submitted that the claims are in condition for allowance. If, for any reason, the examiner is unable to allow the application in the next Official action, the examiner is encouraged to telephone the undersigned attorney at the telephone number listed below to discuss this matter.

Respectfully submitted,

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